

## UNITED STATES DISTRICT COURT

for the

Central District of California

Western Division

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

Patricia Serrano Cuevas

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

City of Los Angeles; City of Los Angeles Police  
Department; Does 1 to 20

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

### COMPLAINT FOR VIOLATION OF CIVIL RIGHTS (Non-Prisoner Complaint)

#### NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.



**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Patricia Serrano Cuevas		
Address	c/o Law Offices of Mark R. McKinniss 10866 Washington Blvd. Suite 403		
	Culver City	CA	90232
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Los Angeles		
Telephone Number	(310) 880-6376		
E-Mail Address	markmckinniss@gmail.com		

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

## Defendant No. 1

Name	City of Los Angeles		
Job or Title (if known)	Public Entity		
Address	200 Spring Street Room 360		
	Los Angeles	CA	90012
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Los Angeles		
Telephone Number	(213) 847-3615		
E-Mail Address (if known)	clerk.cps@lacity.org		
<input type="checkbox"/> Individual capacity <input type="checkbox"/> Official capacity			

## Defendant No. 2

Name	City of Los Angeles Police Department		
Job or Title (if known)	Public Entity		
Address	200 Spring Street Room 360		
	Los Angeles	CA	90012
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Los Angeles		
Telephone Number	(213) 847-3615		
E-Mail Address (if known)	clerk.cps@lacity.org		
<input type="checkbox"/> Individual capacity <input type="checkbox"/> Official capacity			



Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

## Defendant No. 3

Name

Does 1 to 20

Job or Title (if known)

Peace Officer

Address

200 Spring Street Room 360

Los Angeles

CA

90012

City

State

Zip Code

County

Los Angeles

Telephone Number

Unknown

E-Mail Address (if known)

Unknown

☐ Individual capacity ☒ Official capacity

## Defendant No. 4

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

City

State

Zip Code

☐ Individual capacity ☐ Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Fourth Amendment-unlawful search and seizure of decedent Oscar Solarzano; unreasonable use of force against decedent Oscar Solarzano resulting in severe injuries ultimately causing his death.  
Fourteenth Amendment- denial of due process and deprivation of life without due process of law.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?



- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Defendant City of Los Angeles and Department City of Los Angeles Police Department unknown peace officers acted under color of authority and in the course and scope of their employment when detaining Oscar Solarzano without probable cause; Oscar Solarzano did not pose an immediate threat to the safety of the unknown peace officers or others; the alleged crime committed by Oscar Solarzano was not serious at the time the unknown peace officers applied force; Oscar Solarzano was not actively resisting detention or arrest; the unknown peace officers had sufficient time to determine what type and amount of force to be used during the detention/arrest; the unknown peace officers used excessive force which resulted in Oscar Solarzano sustaining serious injuries which ultimately caused his death.

### III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

Intersection of Imperial Highway and Central Avenue in Los Angeles, California

- B. What date and approximate time did the events giving rise to your claim(s) occur?

Date of Detention/Arrest was 6/24/2021; Date of Death of Oscar Solarzano was 7/17/2021

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)



Plaintiff Patricia Serrano Cuevas is the mother of decedent Oscar Solarzano (DOB 12/22/1998). Plaintiff alleges Oscar Solarzano (DOB 12/22/1998) died on 7/17/2021 as a result of injuries sustained as a result of the excessive force of Does 1 to 20 under the color of authority as peace officers employed and in their course and scope of their employment with Defendants City of Los Angeles and City of Los Angeles Police Department during an unlawful arrest which occurred at or near the intersection of Imperial Highway and Central Avenue in the City of Los Angeles, California. On 6/24/2021 Oscar Solarzano was detained without probable cause by Does 1 to 20 acting under color of authority as LAPD Peace Officers. During the detention Oscar Solarzano, Does 1 to 20 under the color of authority used excessive force upon Oscar Solarzano causing severe injuries which required immediate hospitalization and medical care from 6/24/2021 until 7/17/2021 when decedent died as a result of the injuries sustained as a result of the excessive force used by Does 1 to 20.

#### IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Plaintiff Patricia Serrano Cuevas is the mother of decedent Oscar Solarzano. Plaintiff Patricia Serrano Cuevas is seeking economic damages - medical expenses; lost wages and earnings; funeral and burial expenses; value of services to be provided by decedent. Plaintiff Patricia Serrano Cuevas is also seeking non economic damages - pain and suffering; loss of care, protection, guidance, advice, training and nurturing from decedent, loss of love, society and companionship from the decedent.

#### V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.



Plaintiff suffered economic and non economic damages in the amount of \$10,000,000.00.

## VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: \_\_\_\_\_

Signature of Plaintiff \_\_\_\_\_

Printed Name of Plaintiff \_\_\_\_\_

### B. For Attorneys

Date of signing: \_\_\_\_\_

7/1/2022

Signature of Attorney \_\_\_\_\_

Printed Name of Attorney \_\_\_\_\_

Bar Number \_\_\_\_\_

Name of Law Firm \_\_\_\_\_

Mark R. McKinniss

California State Bar Number 228201

Law Offices of Mark R. McKinniss



Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

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